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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/982,511

10/17/2001

Drew Sarkisian

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7215

29395

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08/17/2005

EXAMINER

ARTHUR JEANGLAUDE, GERTRUDE

H. DALE LANGLEY, JR.

THE LAW FIRM OF H. DALE LANGLEY, JR. PC

610 WEST LYNN

AUSTIN, TX 78703

ART UNIT

PAPER NUMBER

2144

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/982,511

**Applicant(s)**

SARKISIAN, DREW

**Examiner**

Gertrude Arthur-Jeanglaude

**Art Unit**

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-10 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

PD

## **DETAILED ACTION**

### ***Response to Amendment***

#### ***Oath/Declaration***

The oath/Declaration is defective because the provisional priority cant be filed under 35 U.S.C 120 but under 35 U.S.C 119(e). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Gubbi (U.S. Patent No. 6,480,506).

As to claim 1, Gubbi discloses a wireless communications network comprising a wireless communications channel; a server computer (12) communicatively connected to the wireless communications channel; and a client device (16) as shown in Fig. 1 communicatively connected via the wireless channel to the sewer computer wherein the

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server computer communicates with the client device over the wireless communications channel by a specialized protocol (See abstract; col. 2, lines 23-42).

As to claims 6-7, Gubbi disclose in Figs. 2, 6 the wireless channel is a cellular packetized data system and a CDPD system.

Claims 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Gelman (U.S. Patent No. 6,415,329).

As to claim 8, Gelman et al. disclose a method of wireless communications, wherein a client device communicates wirelessly with a server computer (See Fig.7), and wherein the client device runs standard programs, comprising the steps of: serving a first information by the server computer to the client device according to a specialized protocol; determining that the first information accords with the specialized protocol (See col.29, lines 15-67); and proxying the first information to the standard programs in a standard protocol readable by the standard programs (See col. 19).

As to claims 9-10, Gelman et al. disclose the step of proxying includes the steps of invoking non-standard dynamic link libraries and creating a non-standard socket (considering that it uses standard and non-standard protocol and a translator (See col. 4, lines 32-58; col. 7, lines 63-67-col.8, lines 1-10). It further discloses TCP sockets (See col. 8, lines 65-67-col. 9, lines 1-7).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gubbi (U.S. Patent No. 6,480,506) in view of Gelman et al. (U.S. Patent No. 6,415,329).

As to claim 2, Gubbi disclose the standard protocol but fails to specifically disclose a hooking layer for translating the specialized protocol to a standard protocol. In an analogous art, Gelman et al. disclose a communication network wherein it uses standard and non-standard protocol and a translator (See col. 4, lines 32-58; col. 7, lines 63-67-col.8, lines 1-10). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the communication network of Gubbi with that of Gelman et al. by having a hooking layer for translating the protocol in order to maintain a low susceptibility to transmission errors.

As to claim 3, Gubbi discloses all but fails to specifically disclose a program that requires input of information according to the standard protocol. In an analogous art, Gelman et al. disclose a program that requires input of information according to the standard protocol (See col. 29, lines 15-24). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Gubbi with that of Gelman et al by having a program that requires input of information according to the standard protocol in order to allow transmission control protocol.

As to claim 4, Gubbi discloses all but fails to specifically disclose a program that outputs for communication by the client device information according to the standard protocol and wherein the client device communicates the information to the server computer via the specialized protocol. In an analogous art, Gelman et al. disclose a program that outputs for communication by the client device information according to the standard protocol and wherein the client device communicates the information to the server computer via the specialized protocol (See col. 29, lines 15-24). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Gubbi with that of Gelman et al by having a program that requires input of information according to the standard protocol in order to allow transmission control protocol.

As to claim 5, Gubbi discloses all but fails to specifically disclose that the hooking layer switches between a standard socket and a specialized socket. In an analogous art, Gelman et al. disclose the hooking layer (translator) as discussed and standard and specialized socket (See col.8, lines 65-67-col. 9, lines 1-7). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Gubbi with that of Gelman et al by having a hooking layer switching between a standard and a specialized socket in order to allow better transmission control protocol.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hawkins et al. (U.S. Patent No. 6,343,318) disclose a method and apparatus for communicating information over low bandwidth communications networks.

Menon et al. (U.S. 20010022784) disclose a wireless local loop system supporting voice/IP.

### ***Response to Arguments***

Applicant's arguments filed 5/31/05 have been fully considered but they are not persuasive because the priority of continuation can not be established because of different inventorship. Therefore, the rejection in view of the references Gubbi (U.S. Patent No.6,480,506) and Gelman (U.S. Pat No. 6,415,329) is valid and the claims remain rejected.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wiley David can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GAJ

*GAJ*  
August 15, 2005

*Gertrude A. Jeanglaude*  
**GERTRUDE A. JEANGLAUDE**  
**PRIMARY EXAMINER**